

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, May 24, 2006 at the Osthoff Resort, 101 Osthoff Avenue, Elkhart Lake, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 3:00 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

Gerald O'Brien – present	Dan Poulson - present
Jonathan Ela – present	Dave Clausen - present
John Welter – present	Christine Thomas – present
Steve Willett – absent	

1.C. Approval of agenda for May 24, 2006

Mr. Poulson MOVED, seconded by Mr. Welter approval of the agenda for May 24, 2006. The motion carried by all members present. Mr. Willett was absent.

Welcome by Adam Payne, Sheboygan County Administrator

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Welter MOVED, seconded by Mr. Poulson approval of the real estate transactions. The motion carried by all members present. Mr. Willett was absent.

3. Action Items

3.A. Air, Waste, and Water/Enforcement

3.A.1. Adoption of Board Order WT-21-05, revisions to NR 243, pertaining to Concentrated Animal Feeding Operations (CAFO)

Gordon Stevenson, Section Chief, Runoff Management Section, Watershed Management Bureau stated that the Department is proposing to repeal and recreate NR 243, which outlines Wisconsin Pollutant Discharge Elimination System (WPDES) permit program requirements for Concentrated Animal Feeding Operations (CAFOs), in order to incorporate federal rule changes for CAFOs and to include other requirements for other animal feeding operations. In response to federal rule changes, the revisions to NR 243 incorporate additional requirements planning, restrictions on manure and process wastewater applications on frozen or snow-covered ground, manure and process wastewater application restrictions near navigable waters, and other design and operational requirements for the animal production area (e.g., construction of 180-day storage for liquid manure, increased monitoring and reporting). More detail is also included for regulation and permitting of operations with fewer than 1000 animal units in the event WPDES permit coverage is needed.

Other issues addressed by the revisions to NR 243 include continued use of the combined animal unit calculation, general permits for CAFOs, restrictions on manure and process wastewater applications near wells and areas susceptible to groundwater contamination, and allowances for headland stacking of solid manure in lieu of designed storage. The board previously authorized five public hearings on the rule (Richland Center, Jefferson, Green Bay, Wausau, and Eau Claire.)

Dr. Thomas asked about the 150 farms and how many will need more land to spread the manure.

Tom Baumann, Runoff Management Water Resources Engineer, Watershed Management Bureau stated that about 8% of the operations.

Dr. Thomas asked about the 30 farms who must build the storage is there cost sharing opportunities available through various agencies.

Mr. Stevenson stated that there isn't any through the state nonpoint source programs. There may be federal dollars, but not state dollars.

Mr. Clausen asked about weather prediction and how that affects spreading opportunities.

Mr. Stevenson stated that spreading is not allowed when the National Weather Service predicts a 70% chance or greater of 0.5 inches of rain during non-frozen or non-snow-covered ground conditions or a 50% chance or greater of 0.25 inches of rain during frozen or snow-covered ground conditions.

Mr. Ela asked about spreading on certain types of topography and how that is factored into these rules.

Mr. Stevenson stated that needs to be accounted for in the nutrient management plan.

Mr. Ela asked about additional costs of building the storage facilities and the disparity in the figures.

Mr. Stevenson stated that \$4.2 million for 30 operations and \$33 million for 80 operations. There are other variables factored in. \$33 million is worst case scenario and \$4.2 million is more probable.

Mr. Ela asked about general permits and the ability for public input.

Mr. Stevenson stated the general permit will be put out for public notice and the public can request a hearing if they would like. Information will also be available on the web.

Mr. Ela stated that the Board would like input on the development of general permit.

Mr. Poulson asked in relation to nonpoint and siting regulations. How does this rule fit with those?

Mr. Stevenson stated that by 2008 all farmers are supposed to be under a 590 plan. All CAFOs also need to be under a 590 plan with some restrictions. For livestock siting, it is based on how DATCP counts animal units. They are aligning well. He added that there is an amendment that has been distributed to clean up a table on animal unit calculations.

Mr. Poulson asked about the February and March spreading constraints and the headland stacking. Does that align with nonpoint as well?

Mr. Stevenson stated to the extent that operations that store manure have to do so in accordance with NRCS standard 315 it does.

Mr. Ela asked about why the requirement date has been delayed from 2008 to 2010.

Mr. Stevenson stated that the rule was delayed due to the controversy and the burden that it was placing on some producers to meet that deadline.

Mr. O'Brien asked about the rule stating that in February and March there is a ban, but then there is a provision that if the ground isn't frozen manure can be spread.

Mr. Stevenson stated that on frozen and snow-covered conditions there is a ban on spreading in February and March, but if liquid manure can be incorporated or injected during that period of time then it can be done. For solid manure, if the ground isn't frozen and if the ground isn't snow covered and the weather forecast is good then they may spread in February and March.

Mr. O'Brien asked about the slides showing the manure going into the rivers. Did those come from CAFOs or from smaller operations?

Mr. Stevenson stated that they came from smaller farms. We can issue a general permit to those if there is someone with an egregious problem. There is also other means such as notices of discharge.

Mr. Ela asked about a trigger that will invoke the general permit for smaller operations.

Mr. Stevenson stated that the trigger for smaller operation is contamination of the water.

Public Appearance

1. **George Meyer**, Madison, Wisconsin Wildlife Federation stated that his organization supports the NR 243 rules. He requested that the Board adopt the following provisions: individual permits, mixed-animal unit calculation, six-month minimum storage of liquid manure, restrictions on surface application of liquid manure, enforcement of manure spills, and spreading restrictions near surface waters.
2. **Will Hoyer**, Madison, Clean Wisconsin stated that his organization supports the NR 243. He requested that there be a ban on liquid manure when the ground is frozen. He asked that the mixed animal calculations be included in the rule.
3. **Dave Crass**, Madison, Michael Best & Friedrich representing Jennie-O Turkey Store, Inc. thanked the DNR staff for their hard work. He stated he is concerned about the definition of "animal feeding operation" needing to be clarified, 590 "plus" nutrient restrictions, and weekly inspections of liquid manure storage.
4. **Wayne Schuette**, Centerville CARES stated that he is a neighbor to a large farm. The runoff comes through his property. He had a pond that has been contaminated for four years. He had a shallow well

- and he had to dig a deeper well because of the water being used by the CAFO. He asked that the Board to require the CAFO to correct their violations in a more timely manner than 1 year.
5. **Carla Klein**, Madison, John Muir Chapter, Sierra Club stated that they support the NR 243 rule proposal. She asked for a few revisions such as moving up the provision timeframe. Five years is too long for implementation. She requested the deadline to be January 1, 2008 to prevent fishkills and well contamination.
 6. **Tom Ward**, Manitowoc County Soil and Water Conservation Department stated that he supports the adequate waste storage for at least 6 months; however he's concerned about it not being implemented until 2010. He also supports the mixed animal waste unit calculation and the requirement to utilize the 2005 Phosphorus Nutrient Management Standard.
Mr. Ela asked why Manitowoc County ranks first for in manure runoff incidents.
Mr. Ward stated there isn't one single cause, but a combination of factors.
 7. **Russ Tooley**, Cleveland, Centerville CARES stated that NR 243 is good for Wisconsin. This plan balances agricultural growth and the protection of our natural resources. He, along with other citizens spend many hours sampling the water in their area. He thinks that each CAFO should have an individual permits.
 8. **Tammy Jackson**, Wisconsin Association of Lakes stated that they support the NR 243 proposal including continuing to require CAFOs to have a water pollution discharge permit, keeping Wisconsin's mixed animal unit calculation, removing the agricultural stormwater exemption from the current NR 243 proposal, a 6 month minimum manure storage requirement, a ban on surface application of liquid manure during February and March, a band on surface application of liquid manure when ground is frozen/snow-covered, and year-round spreading restrictions near surface waters.
 9. **Jennifer Giegerich**, Madison, WISPIRG stated that they support the NR 243. They support Wisconsin's mixed animal unit calculation. Many other states have forgone the EPA's standards to keeping their own standards. She asked that individual permits be required for the largest CAFOs. She asked that the timeline be changed from 2010 to 2008 for 6 month storage.
 10. **Tony Ends**, representing himself-absent
 11. **Ken Buelow**, Holsum Dairies stated that he owns a CAFO. He supports the 6 month storage and the phosphorous requirements. However, all these requirements only affect 10% of the manure in the state. 90% of it will go unregulated. He disagreed with the Department's presentation which represented non-CAFO events to justify these regulations for CAFOs. The weather prediction requirement was not in the public hearings and financial calculations were not taken into account with that additional regulation.
 12. **Nancy Boles**, representing herself stated piles of cladophora collect in her yard from creeks that flow into Lake Michigan. This is a result of manure runoffs in her area. She stated that the stench requires her to close her windows and stay in the house.
Mr. O'Brien asked if the manure came from a CAFO.
Ms. Boles stated that she thinks it did because that is the closest farm to where she lives.
 13. **Judy Trembl**, representing herself stated the rule proposal is a good start, but they need a lot of work. She described well contaminations around the state due to manure run-off. She stated that of the 16 families she spoke with personally, none of them was able to attend because they were working to pay off the \$10,000-15,000 loans they had to take out to replace their wells.
 14. **Scott Trembl**, representing himself described the nightmare his family experienced due to run-off and well contamination from a nearby CAFO. His three daughters are survivors of E-coli poisoning from their contaminated well. He described the Glenn Stahl Farm manure spreading in a field across from

- his house and believes that is what contaminated his well.
15. **Emily Trembl**, representing herself did not speak.
 16. **Kaitlyn Trembl**, representing herself did not speak.
 17. **Lori Grant**, Madison, River Alliance stated she strongly supports the Department's NR 243 proposal, particularly the prohibition on manure spreading for February and March, or anytime that the ground is snow-covered or frozen, and the six month manure storage.
 18. **Frank Fetter**, Upper Sugar River Watershed Association stated that overall they support the NR 243 however they would like the mixed livestock numbers to be lowered. They support the ban on spreading for February and March.
 19. **Emily Miota**, Wisconsin League of Conservation Voters Institute supports the revisions to NR 243. She asked the Department to maintain the mandatory permit application, use the DNR mixed calculation and to require individual permits rather than general permits.
 20. **Jordan Lamb**, Madison, DeWitt Ross & Stevens, Wisconsin Pork Association and Wisconsin Cattlemens Association thanked the Department for allowing more time to apply for a permit if a farmer becomes a CAFO as a result of a farm purchase, triggering the permit when the 1000 animal unit is housed at a site, allowing the phosphorus index to be applied on a field by field basis, and allowing more flexibility with regard to headland stacking. She still has concerns about section III provisions related to small and medium CAFOs.
 21. **John Lader**, Beloit, Wisconsin Pork Association stated he knifes his manure into the ground by a professional applicator based on nutrients of the soil. He is concerned about the stringent Wisconsin regulations versus other states. There may be times when it's appropriate to apply manure to frozen or snow covered grounds if it doesn't cause run-off. The flexibility is important. He asked the Board to delay the vote to review neighboring state regulations.
 22. **George Morgan**, representing himself stated that he lives in Manitowoc County. He reviewed a CAFO run off problem near his home that caused fish kills and well contamination. He is concerned about proper spreading procedure. He is in support of NR 243.
 23. **Jerry Specht**, representing himself stated that he witnessed three run-offs last year. These runoffs were from smaller operations. He supports NR 243. He is discouraged to see the money being spent on lake restoration being washed away when there is a runoff. It is causing a weed grown problem in the lakes.
 24. **Lloyd DeRuyter**, Wisconsin Cattlemens' Association stated he is concerned that these rules will expand to smaller operations and they will be required to have permits. He is also concerned with the animal calculation because of the fluctuation in herd size and the inconsistencies with NR 590.
 25. **Dale Hanson**, Wisconsin Association Land Conservation Employees stated he is in favor of these rule revisions. He asked the Board to maintain the mixed animal unit calculation methods. In addition he is in favor of nutrient management practices that reduce the risk of manure runoff, nutrient management practices that reduce the risk of manure runoff events, and the prohibition on surface application of manure on frozen ground in February and March.
 26. **Andrew Hanson**, Madison, Midwest Environmental Advocates stated that they support NR 243. In particular, winter spreading and manure storage requirements of 6 months and the February and March spreading restrictions, all CAFOs should be required to have a WPDES permit, retain the mixed animal calculation method for defining the CAFO threshold. He asked the Board not to delay the rule.

27. **Maureen Bailey Flietner**, representing herself is a farmer and a neighbor of two proposed CAFOs. She has concerns about where the manure is going to go. Many wells in her area are already testing unsafe due to high nitrate levels. These rules are a good start, but she asked that the deadlines be moved to 2008 rather than 2010.
28. **Ric Van Sistine**, representing himself and Calumet County Advocates stated that he supports NR 243. He thinks 2010 is too long to wait to put these rules into effect.
29. **Judy Parker**, representing herself stated that she lives near a CAFO in Calumet County. She supports NR 243. Many of the wells in her township are testing unsafe.
30. **Paul Zimmerman**, Madison, Wisconsin Farm Bureau requested that the Department delay the adoption of this rule one month to discuss it with DATCP Board. This rule also affects many other rules and cross-referencing these rules. The ramifications are widespread.
Mr. Ela asked how long it takes to develop a nutrient management plan and constructing manure storage facilities.
Mr. Zimmerman stated that nutrient management planning takes about five years. The construction of a manure storage facility is a minimum of three years.
31. **Vickie Mayer**, Manitowoc County Lakes Assoc., Friends of Branch River stated that there was a nine mile fish kill in 2000. She stated that she has to stay inside because of the smell of a CAFO near her. She requested that the Board pass NR 243.
32. **Jim Wysockie**, representing himself stated he is a CAFO owner and he supports NR 243. He is troubled by the weather service requirement because it doesn't take many other factors into consideration.
33. **Ron Vanderloop**, representing himself stated that he supports NR 243. He stated that we don't have enough land on which to spread the manure. We need to support a long range workable facility. He doesn't want the rules delayed.
34. **Gene Ecklor**, representing himself stated that he supports NR 243. Water is our most important resource. He doesn't want it delayed.
35. **Ann Zelinski**, representing herself was absent
36. **Lori Fisher**, Oneida, Dairy Business Association stated that this rule is complicated and has only been out in final form for two weeks. Many of the producers are busy in the fields right now and haven't had an opportunity to review the rule. She asked for a one month delay to compare the federal and state regulations.
Mr. O'Brien asked why she is asking for a delay.
Ms. Fisher stated that she would like to get the information to the producers and see how it affects each one.
Mr. Ela stated that this rule has been under development for four years. The green sheet version has only been out for a few weeks, but as this rule has been developed you have had constant ability to track it and work with your members. What she is asking for would take at least six months.
Ms. Fisher stated she believes it could be done in much less time than that. She is just asking for a little extra time.
Mr. Ela asked her about the degree that the rule isn't in conformity with federal standards. Is there anything in that area which has changed in a time frame that you haven't had an opportunity to solve with producers?
Ms. Fisher stated that at the time we consulted with our producers, we were in negotiation with the Department. They have concerns about being able to comply with the level the Department is asking for in the rule.

37. **Dean Doornink**, Baldwin, representing himself stated he is a co-owner of a CAFO. He supports the rewrite of NR 243. He opposes to the national weather service requirement because he doesn't have faith in the National Weather Service

Dr. Thomas asked why he is opposed to that requirement.

Mr. Doornink stated because there is a legal issue and the inaccuracy of the forecasts.

Dr. Thomas stated that this item will have to go to the legislature for approval after this step.

Mr. Ela asked about WPDES permits for smaller operations under certain circumstances.

Mr. Stevenson stated that is correct.

Dr. Thomas asked why the winter spreading regulations can't be implemented right away.

Mr. Stevenson stated some producers would have difficulty complying due to a number of variables including storage capacities.

Mr. Ela asked about the 80% who have 6 month storage capacity whether or not they are spreading in the winter.

Mr. Stevenson stated some have spread in the winter. Some prefer to spread in the winter because the ground is frozen and it's easier to move equipment and there is less work to do in the winter.

Mr. Welter asked about storage capacity deadline.

Mr. Stevenson stated it is January 1st, 2010

Mr. Ela asked about the timing of construction of a storage facility capable of containing wastes for six months.

Mr. Stevenson stated that he has seen one constructed in 6 months, but design time needs to be taken into account.

Mr. O'Brien suggested delaying the rule a month.

Mr. Poulson stated he agrees with Mr. O'Brien about delaying the rule. The average farmer hasn't had the opportunity to review this rule. He asked about the weather issue.

Mr. Stevenson stated the agriculture storm water exemption is also in affect.

Mr. Welter doesn't see any significant changes happening in the next 30 days. He would like to see the Board vote on the rule.

Mr. Welter MOVED, seconded by Mr. Ela adoption of Board Order WT-21-05, revisions to NR 243, pertaining to Concentrated Animal Feeding Operations (CAFO) with technical changes introduced by staff.

Mr. Poulson MOVED, seconded by Mr. O'Brien to delay the rule for one month. The motion failed 2-4. Mr. Willett was absent.

Mr. Ela MOVED, seconded by Dr. Thomas move the implementation date for this rule from January 2010 to January 2009.

Mr. Clausen stated he is going to vote no because he would like to go with the Department recommendation.

A roll call vote was taken

Mr. Clausen – No

Mr. Ela – Yes

Mr. Welter – Yes

Mr. Poulson – No

Dr. Thomas – Yes

Mr. O'Brien – No

Mr. Willett was absent.

The vote was 3-3 fails.

Mr. Poulson stated he will support the rule and we can live within these parameters of these rules.

Mr. Ela thanked those who testified.

The original motion passed unanimously by all members present. Mr. Willett was absent.

3.A.2. **Adoption of Board Order AM-28-05, revisions to NR 462, incorporating the national emission standards for hazardous air pollutants (NESHAP) for industrial, commercial, and institutional boilers and process heaters.**

Jeff Hanson, Section Chief, Permits and Stationary Source Modeling, Air Management Bureau stated that the US EPA promulgated the NESHAP for industrial, commercial and institutional boilers and process heaters, effective on September 13, 2004 (69 FR 55,218), and amended this NESHAP on December 28,

2005 (70 FR 76918). The proposed rule incorporates this NESHAP, as amended, into the Wisconsin Administrative Code by creating ch. NR 462 and Appendix DDDDD in ch. NR 460. Chapter NR 484 is also amended to incorporate by reference several test methods, and a test method version cited in ch. NR 439 is updated to maintain consistency with a newly incorporated version. Section 285.27(2)(a), Stats., requires the Department to promulgate NESHAP into the administrative code. The Natural Resources Board has not acted on this NESHAP before. Since the proposed regulation is already in effect at the national level, there is little discretion for the Department and there are no policy issues to be resolved. The proposed rule will affect about 215 facilities statewide.

Mr. Ela MOVED, seconded by Dr. Thomas Adoption of Board Order AM-28-05, revisions to NR 462, incorporating the national emission standards for hazardous air pollutants (NESHAP) for industrial, commercial, and institutional boilers and process heaters. The motion carried by all members present. Mr. Willett was absent.

3.A.3. Request authorization to hold public hearings for Board Order AM-08-05, revisions to NR 406 and NR 410, relating to commerce construction waiver requests from air contaminate sources.

Mr. Hanson stated that section 285.60(5m), Stats. (as created by 2003 Wisconsin Act 118) requires the Department, by rule, to allow sources who file an air pollution control construction permit application to request a construction permit waiver under certain circumstances. Construction permit waivers would allow a facility to start on-site preparation, including, but not limited to, site clearing, grading, dredging or land filling prior to receiving a construction permit when necessary to avoid undue hardship. The Department must act on the waiver request within 15 days of receipt of the request. There is a \$300 non-refundable fee associated with filing a waiver request.

Mr. Welter MOVED, seconded by Mr. Clausen approval of request authorization to hold public hearings for Board Order AM-08-05, revisions to NR 406 and NR 410, relating to commerce construction waiver requests from air contaminate sources. The motion carried by all members present. Mr. Willett was absent.

3.B. Land Management, Recreation, and Fisheries/Wildlife

3.B.1. Adoption of Board Order WM-51-04, revisions to NR 12, NR 16, and NR 17 relating to hound training
DELETED FROM AGENDA

3.B.2. Adoption of Board Order WM-01-06, pertaining to the annual Wildlife Management spring hearing rule changes.

Kurt Thiede, Wildlife Biologist, Wildlife Management Bureau stated that these rule changes appeared on the 2006 Spring Hearing questionnaire. Based on public support the department recommends adoption of the following rule proposals:

- Extend the closing date of the ruffed grouse season in Zone A.
- Expand the fall wild turkey hunting season from the Saturday nearest September 15th and continuing through the Thursday immediately prior to the opening of the deer gun season.
- Create a 2-day youth turkey hunt on the weekend before the regular spring turkey season.
- Extend the ending of the spring wild turkey hunting hours from 5 p.m. to sunset.
- Prohibit possession of electronic calling equipment while turkey or waterfowl hunting.
- Create consistent standards for body-gripping type traps.
- Issue turkey tags remaining after the initial special license drawing over-the-counter at a rate of one carcass tag per customer per day.
- Change the minimum age of the Youth Learn to Hunt Program.
- Allow Class A bear licenses to be purchased up to the day prior to the bear season, and allow the purchase of a Class A bear license during the bear season, provided the license is not effective until three days after the date of purchase.
- Allow the use of rifles in Kewaunee County during the gun deer season.
- Eliminate the Greenwood "No Entry Wildlife Refuge" in Waushara County.
- Require a pheasant stamp statewide for anyone who hunts pheasants.

In addition, the department recommends a modification to the proposed deer season at High Cliff State Park. Based on local concerns the department recommends the creation of a limited entry 9-day muzzleloader deer gun season at High Cliff State Park.

Mr. Welter asked about bow hunt in High Cliff State Park.

Mr. Thiede stated that will be discontinued as well because park users felt that they would be displaced from traditional park activities.

Mr. Ela MOVED, seconded by Mr. Poulson adoption of Board Order WM-01-06, pertaining to the annual Wildlife Management spring hearing rule changes. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.3. Adoption of Board Order FH-12-06 pertaining to the annual Fisheries spring hearing rule changes.

Joe Hennessy, Natural Resources Staff Specialist, Fisheries Management and Habitat Protection Bureau stated that the Bureaus of Fisheries Management and Habitat Protection and Law Enforcement recommend adoption of proposed fishing and clamming rules changes offered for public comment and publicly supported at the 2006 Spring Rules Hearings. At this time, the Department requests adoption of the following proposals of statewide interest: Proposals to increase the minimum length limit to 50" for muskellunge in the Lake Winnebago and Fox River systems, as part of the Great Lakes spotted musky rehabilitation plan; proposals to simplify walleye regulations in Green Bay and Menominee River boundary waters, in conjunction with Michigan DNR; proposal to ban sinker-release devices; proposal to establish a catch-and-release only fishery for lake sturgeon in the lower Menominee River boundary waters, in conjunction with Michigan DNR; proposal to close harvest of live mussels from inland waters; proposals to codify Wisconsin and Minnesota regulations on the St. Croix and St. Louis Rivers; proposal to revise language governing the take of turtles by minors; and a proposal to extend a sunset on experimental walleye and sauger regulations in the Wisconsin River. Approximately 20 changes of local interest are also recommended for adoption, relating to fishing regulations for individual species on inland lakes.

Mr. Welter MOVED, seconded by Mr. Clausen adoption of Board Order FH-12-06 pertaining to the annual Fisheries spring hearing rule changes. The motion carried unanimously by all members present. Mr. Willett was absent.

Ed Harvey, Chair, Conservation Congress gave the Conservation Congress recommendations. Question 53 will not be advanced despite the statewide vote because it specifically dealt with Manitowoc County where it was defeated. Question 56 about baiting passed and will be advanced, but question 57 dealing with feeding did not pass statewide. Question 61-63 will not be advanced because the Great Lakes Committee felt that there was misinformation when those questions were developed. Question 71 about shining did not pass statewide, but the congress reversed the vote.

3.B.3. Approval of proposed changes to Department Master Planning

Steve Miller, Director, Facilities and Lands Bureau stated that the Department has been exploring ways to improve the efficiency and timeliness of master planning for Department properties. An informational presentation on this subject was given to the Board in January 2006.

The Department is now requesting Board action on the following items to begin implementation of the revised system. The requested actions are:

- 1.) Approve the proposed changes in the Department's master planning system that will utilize the "Three Tiered" approach to master planning Department properties.
- 2.) Declare Tier Three properties as non-master planned properties and exempt from NR 44 planning requirements.
- 3.) Approve the Six-Year Master Planning Schedule for 2006-2012

Mr. Clausen asked if Tier 1 and 2 are required to comply with NR 44.

Mr. Miller stated yes.

Mr. Ela asked about the flexibility in tier 3 properties.

Mr. Miller stated that the Board must approve a process other than the NR 44 process.

Mr. Clausen MOVED, seconded by Mr. Ela Approval of proposed changes to Department Master Planning. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.4. Request authorization for public hearing for Board Orders WM-26-06 and WM-27-06(E) pertaining to 2006 migratory game bird seasons.

Mr. Thiede stated that the proposed rules establish the regulations for the 2006 migratory game bird season. The significant regulations are:

Ducks - The state is divided into two zones each with 60-day seasons. The daily bag limit is expected to be 6 ducks including no more than: 4 mallards, of which only one may be a hen, one black duck, one pintail, 2 wood ducks, 2 redheads and 3 scaup. The canvasback and pintail seasons may again be shorter than the 60-day season.

Canada geese - The state is apportioned into three goose hunting zones: Horicon, Collins, and Exterior. Other special goose management subzones within the Exterior Zone include Brown County, Burnett County, Rock Prairie and the Mississippi River. Season lengths are expected to be as follows:

- Collins Zone - 64 days - Horicon Zone - 92 days
- Exterior Zone - 92 days - Mississippi River Subzone - 70 days

In addition to these annual regulatory issues we will be proposing:

- 1) Elimination of the Canada goose Horicon Intensive Management Subzone directly adjacent to the Horicon National Wildlife Refuge.
- 2) Establishing a new North/South zone boundary for Wisconsin's duck zones for the 2006-2010 period.
- 3) Establishing a 9:00 a.m. opening time for the first day of the 2006 duck season.

Mr. Welter MOVED, seconded by Dr. Thomas approve request for authorization for public hearing for Board Orders WM-26-06 and WM-27-06(E) pertaining to 2006 migratory game bird seasons. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.5. Request authorization for public hearing for Board Order FR-19-06 relating to regulating firewood entering and exiting Department properties.

Andrea Diss-Torrance, Gypsy Moth Program Coordinator, Forest Sciences Bureau stated The purpose of this permanent rule is to regulate firewood entering properties managed by the department to reduce the risk of introduction and spread of emerald ash borer and other invasive insects and diseases of trees. Wisconsin is currently free of emerald ash borer and several other invasive insects and diseases and prohibiting firewood from greater than 50 miles from the campground or from out-of-state sources will help prevent introduction of these invasives into our state parks and forests from which they could spread to private lands and our communities. Firewood from sources approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) would be allowed regardless of location of origin. Firewood in violation of this rule would be seized and treated or destroyed to prevent transmission of insects or disease. Currently, emerald ash borer is established in Michigan, Ohio, Indiana and Ontario and is moving primarily on firewood. Parks and campgrounds have been sites of new introductions as a result. This rule will support the external quarantine on host materials of the emerald ash borer and three other pests and diseases proposed by the DATCP, provide additional protection for state parks and forests, set a good example for county, municipal and private campgrounds and reduce movement of firewood for use while camping. While this rule may cause some inconvenience for campers and firewood dealers that obtain firewood from areas distant to the campground, this inconvenience is dwarfed by the cost of infestation or establishment of emerald ash borer or other invasive pests to the public, industry and municipalities. To minimize any inconvenience, the department is working with firewood dealers and the Wisconsin DATCP to assure a sufficient supply of safe and affordable firewood at department campgrounds. The Permanent Rule to go into effect in winter 2006-2007.

Mr. Ela MOVED, seconded by Mr. Welter approval of request authorization for public hearing for Board Order FR-19-06 relating to regulating firewood entering and exiting Department properties. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.7. Land Acquisitions, Hank Aaron Trail, Milwaukee County.

Mr. Ela MOVED, seconded by Mr. Poulson approval of Land Acquisitions, Hank Aaron Trail, Milwaukee County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.8. Land Acquisition, Wolf River Bottoms Wildlife Area, Outagamie County

Mr. Clausen MOVED, seconded by Mr. Poulson Land Acquisition, Wolf River Bottoms Wildlife Area, Outagamie County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.9. Land Acquisition and Resale, Snow Bottoms Natural Area, Grant County

Mr. Welter asked the Department to explore the flatland usability for agriculture or wildlife restoration.

Mr. Poulson asked about deed description.

Richard Steffes, Real Estate Director stated that is close to the stream. We are talking the neighbors.

Mr. Welter MOVED, seconded by Mr. Poulson approval of Land Acquisition only and not the resale, Snow Bottoms Natural Area, Grant County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.10. Land Exchange, Peshtigo River State Forest and Thompson State Park, Marinette County

Mr. O'Brien stated that he doesn't like buying property from the County.

Mr. Steffes stated that the state is getting 224 acres of county land in exchange for 95 acres. We are paying the difference, but we are getting a good deal.

Mr. Ela suggested going back to the county and asking them for a donation.

Dr. Thomas stated that we are buying the land for less than \$1000 an acre and much of it is waterfront property.

Mr. Steffes suggested deferring the transaction until the next meeting.

Mr. O'Brien MOVED, seconded by Mr. Poulson to defer Land Exchange, Peshtigo River State Forest and Thompson State Park, Marinette County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.11. Land Acquisition, Green Bay West Shores Wildlife Area, Marinette County.

Mr. Welter MOVED, seconded by Mr. Clausen approval of Land Acquisition, Green Bay West Shores Wildlife Area, Marinette County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.12. Land Acquisition, Pike Wild River, Marinette County.

Mr. Clausen MOVED, seconded by Mr. Ela approval of Land Acquisition, Pike Wild River, Marinette County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.13. Land Acquisition, Pike Wild River, Marinette County

Mr. Ela MOVED, seconded by Mr. Clausen approval of Land Acquisition, Pike Wild River, Marinette County. The motion carried 4-2 (Mr. Poulson and Mr. O'Brien voted no) by members present. Mr. Willett was absent.

3.B.14. Land Donation, Ice Age Trail, Washington County

Geoff McClay, Cedar Lakes Conservation Foundation stated that he is pleased to work with the DNR to purchase and protect these lands.

Mr. Ela MOVED, seconded by Dr. Thomas approval of Land Donation, Ice Age Trail, Washington County. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.15. Land Easement Donation and Articles of Dedication, Statewide Natural Area, Wood County.

Mr. Welter MOVED, seconded by Mr. Poulson approval Land Easement Donation and Articles of Dedication, Statewide Natural Area, Wood County. The motion carried unanimously by all members present. Mr. Willett was absent.

4.A. Citizen Participation 1:00 p.m.
None.

5. Board Members' Matters
None.

6. Special Committees' Reports
None.

7. Department Secretary's Matters

7.A. Retirement Resolutions

7.A.1. Richard R. Miller

7.A.2. Charles M. Bright

7.A.3. Cletus J. Alsteen

7.A.4. Albert L. Phelan

Mr. Welter MOVED, seconded by Dr. Thomas approval of the retirement resolutions. The motion carried unanimously by all members present. Mr. Willett was absent.

7.B. Donations

7.B.1. The Friends of Lake Wissota State Park will donate \$34,000 of playground equipment to Lake Wissota State Park.

Mr. Poulson MOVED, seconded by Mr. Ela approval of the \$3,400 donation of playground equipment to Lake Wissota State Park from the Friends of Lake Wissota State Park. The motion carried unanimously by all members present. Mr. Willett was absent.

7.B.2. The Natural Resources Foundation will donate \$170,000 to the Endangered Resources Program to be used for the planning and management of State Natural Areas, managing endangered and threatened species, and granting to private landowners for management of habitat for rare species.

Mr. Ela MOVED, seconded by Mr. Clausen approval of the \$170,000 donation to Endangered Resources Program for State Natural Areas. The motion carried unanimously by all members present. Mr. Willett was absent.

7.B.3. Walleyes for Tomorrow will donate \$15,000 to be used to support the Milwaukee River Estuary Habitat Project.

Mr. Poulson MOVED, seconded by Dr. Thomas approval of the \$15,000 donation from Walleyes for Tomorrow will donate to be used to support the Milwaukee River Estuary Habitat Project. The motion carried unanimously by all members present. Mr. Willett was absent.

8. Information Items

8.A. Air, Waste, and Water/Enforcement
None

- 8.B. Land Management, Recreation, and Fisheries/Wildlife
None

The meeting adjourned at 3:00 p.m.